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10/634,843

08/06/2003

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EXAMINER

PHANTANA ANGKOOL, DAVID

ART UNIT

PAPER NUMBER

2175

MAIL DATE

DELIVERY MODE

08/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---|--|--|
| Office Action Summary | Application No. 10/634,843 | Applicant(s) MARUYAMA ET AL. | |
| | Examiner David Phantana-angkool | Art Unit 2175 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,7,10,11,14,17 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,7,10,11,14,17 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2175

DETAILED ACTION

1. This action is responsive to the following communications: Amendment filed on May 20th, 2009.
2. Claims 1, 4, 7, 10, 11, 14, 17 and 20 are pending.
3. Applicants amended claims 1 and 11.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/20/2009 has been entered.

Claim Rejections - 35 USC § 112

5. **The following is a quotation of the second paragraph of 35 U.S.C. 112:**

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 4, 7, 10, 11, 14, 17 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As for independent claims 1 and 11:

7. The following phrases: "the activated window is kept as it is" and title list is switched from one to another in succession in the limitations: *wherein said activation processing unit makes a window corresponding to a title emphatically displayed among titles included in said title list active when a predetermined time has elapsed, so, that the activated window is kept as it is until said predetermined time has elapsed while the title emphatically displayed in said title list is switched from one to another in succession, wherein said predetermined time is selected by a user of the apparatus*

Art Unit: 2175

are unclear. The above claim limitations do not particularly point out what happened to the activated window and the title list after a predetermined time has elapsed. It is not clear as whether the changes on the display occur when the user selects the title list or when the user selects the activated window.

As for dependent claims 4, 7, 10, 14, 17, and 20:

Any claim not specifically addressed, above, is being rejected as incorporating the deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 103

8. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. **Claims 1, 4, 11, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloomfield et al., US# 5,412,776 (hereinafter Bloomfield) in view of Bonura et al, US# 6,670,970 B1 (hereinafter Bonura).**

As for independent claim 1 (as best understood):

Art Unit: 2175

Bloomfield shows a window switching apparatus comprising:

- *an input unit; a display unit (4:48-61);*
- *a title list display processing unit for displaying titles of windows currently set on said display unit, as a title list in a region other than a region where a taskbar is displayed on said display unit; an activation processing unit for making a window corresponding to a title emphatically displayed among said titles included in said title list active (Bloomfield shows title list in 7: 55-65, see Fig.3 #106);*
- *said title list display processing unit comprising:*
- *a select-and-display processing unit for selecting titles of a predetermined number of windows and displaying said selected titles in title display areas of a predetermined size constituting said title list when the current number of windows is larger than the predetermined number (Fig. 5); and a change-and-display processing unit for changing the titles displayed as said title list and displaying said titles when a title display change command is inputted through said input unit (8:20-31), wherein said change-and-display processing unit scrolls through titles displayed as said title list to change said titles displayed (Fig. 3#106 shows that the title have scroll),*

While Bloomfield does not specifically show wherein said change-and-display processing unit scrolls through titles displayed as said title list to change said titles displayed, Bloomfield's Fig. 3#106 clearly suggests that the title list have scroll function. Thus Bloomfield render the above limitations as obvious to a skilled artisan at the time of the invention was made.

Bloomfield does not specifically show:

- *wherein said activation processing unit makes a window corresponding to a title emphatically displayed among titles included in said title list active when a predetermined time has elapsed, so, that the activated window is kept as it is until said predetermined time has elapsed while the title emphatically displayed in said title list is switched from one to another in succession, wherein said predetermined time is selected b a user of the apparatus*

Art Unit: 2175

In the same field of invention, Bonura teaches displaying a window after a predetermined time has elapsed. Bonura further teaches that the user may set the predetermined time to any desired value in Column 6, lines 13-29. Accordingly it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the window switching apparatus of Bloomfield to incorporate displaying *titles included in said title list active each predetermined time while titles displayed as said title list are scrolled, where in said predetermined time is selected by a user of the apparatus* as taught by Bonura, thus providing the user the benefits of an information-bearing floating window without having to move the floating window to reach underlying content (Bonura, 4: 1-3). Bloomfield and Bonura teaches the following limitation: *wherein said activation processing unit makes a window corresponding to a title emphatically displayed among titles included in said title list active when a predetermined time has elapsed, so, that the activated window is kept as it is until said predetermined time has elapsed while the title emphatically displayed in said title list is switched from one to another in succession, wherein said predetermined time is selected b a user of the apparatus*

As for dependent claim 4:

Bloomfield shows the *window switching apparatus according claim 1, wherein said input unit comprises a mouse; and said title list display processing unit displays said title list in the neighborhood of a mouse cursor moving in association with movement of said mouse* (8:20-31, see mouse cursor and pop up menu).

As for independent claim 11:

Claim 11 contains similar substantial subject matter as claimed in claim 1 and is respectfully rejected along the same rationale.

As for dependent claim 14:

Claim 14 contains similar substantial subject matter as claimed in claim 4 and is respectfully rejected along the same rationale.

11. **Claims 7, 10, 17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloomfield et al., US# 5,412,776 (hereinafter Bloomfield) in view of Bonura et al, US# 6,670,970 B1 (hereinafter Bonura), and in further view of Leavitt, US# 6,918,091 B2.**

Art Unit: 2175

As for dependent claim 7:

Bloomfield and Bonura do not specifically show *window switching apparatus according to claim 1, wherein said title list display processing unit displays a drum-like title list having a size according to the current number of as said title list on said display unit*. However in the same field of invention Leavitt shows a customizable user definable interface that have buttons corresponding to a plurality of applications as shown in Col. 3, lines 34-48. Accordingly it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the title list display processing unit as shown by Bloomfield and Bonura to incorporate the user definable interface as taught by Leavitt, thus allowing the user to view the work area on a display screen while the user definable interface is activated (Leavitt, 4:22-35).

As for dependent claim 10:

Bloomfield and Bonura do not specifically show the *window switching apparatus according to claim 4, wherein said title list display processing unit displays a drum-like title list having a size according to the current number windows as said title list on said display unit*. However in the same field of invention Leavitt shows a customizable user definable interface that have buttons corresponding to a plurality of applications as shown in Col. 3, lines 34-48. Accordingly it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the title list display processing unit as shown by Bloomfield and Bonura to incorporate the user definable interface as taught by Leavitt, thus allowing the user to view the work area on a display screen while the user definable interface is activated (Leavitt, 4:22-35).

As for dependent claim 17:

Claim 17 contains similar substantial subject matter as claimed in claim 7 and is respectfully rejected along the same rationale.

As for dependent claim 20:

Claim 20 contains similar substantial subject matter as claimed in claim 10 and is respectfully rejected along the same rationale.

Art Unit: 2175

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re *Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

The Examiner notes MPEP § 2144.01, that quotes *In re Preda*, 401 F.2d 825, 159 USPQ 342, 344 (CCPA 1968) as stating “in considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom.” Further MPEP 2123, states that “a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including nonpreferred embodiments. *Merck & Co. v. Biocraft Laboratories*, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989).

Response to Arguments

12. Applicant's arguments filed on 05/20/2009 have been fully considered but they are not persuasive.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Phantana-angkool whose telephone number is 571-272-2673. The examiner can normally be reached on M-F, 9:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2175

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "David Phantana-angkool", with a stylized flourish at the end.

/David Phantana-angkool/
Examiner, Art Unit 2175

/Adam L Basehoar/
Primary Examiner, Art Unit 2178